S.B.CRIMINAL MISC. BAIL APPLICATION NO.3898/2006

Date : 12.09.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Vinit Jain for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The allegation against the accused applicants in the instant is that they gave beatings to son-in-law of applicant No.1 and from post-mortem report it appears that the deceased sustained 26 injuries.

The contention of learned counsel for the applicants is that incident took place when deceased started beating the daughter of applicant No.1, who was wife of the deceased and for that reason scuffle started between the parties and ultimately resulted in the death of the deceased, therefore, it is a case where intention cannot be gathered. He further submits that applicant No.2 Jalam Singh is recently being married, therefore, he may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application and submits that mercilessly beating was given to the deceased which is evident from the post-mortem report, therefore, he should not be enlarged on bail.

Having considered submissions made before me and taking into consideration the overall facts and circumstances of the present case, I do not find it to be a fit case to extend benefit of bail to the applicants. Accordingly, the bail application moved by the applicants under Section 439 Cr.P.C. is rejected. However, the applicants shall be at liberty to move regular bail application before the learned trial court after recording of statements of the material witnesses and thereafter if any bail application is moved by the applicant,s then, the same will be considered in accordance with law.

(SATYA PRAKASH PATHAK), J.

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